

109TH CONGRESS
2D SESSION

H. R. 5007

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans and family members with limited English proficiency, to expand the scope of mental health services provided to family members of veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Ms. SOLIS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans and family members with limited English proficiency, to expand the scope of mental health services provided to family members of veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROVISION OF MENTAL HEALTH SERVICES BY**
2 **DEPARTMENT OF VETERANS AFFAIRS FOR**
3 **VETERANS AND FAMILY MEMBERS WITH LIM-**
4 **ITED ENGLISH PROFICIENCY.**

5 (a) IN GENERAL.—

6 (1) REQUIREMENT.—Chapter 17 of title 38,
7 United States Code, is amended by inserting after
8 section 1712B the following new section:

9 **“§ 1713. Mental health services; languages other than**
10 **English**

11 “(a) AVAILABILITY OF COUNSELING IN LANGUAGES
12 OTHER THAN ENGLISH.—In providing counseling and
13 other mental health services authorized by law to a veteran
14 who has limited proficiency in English, the Secretary shall
15 ensure that such counseling and services are available to
16 that veteran in both English and a language other than
17 English in which the veteran is proficient, if requested by
18 the veteran.

19 “(b) IDENTIFICATION OF LIMITED ENGLISH PRO-
20 FICIENT VETERANS.—For purposes of this section, the
21 Secretary shall develop procedures for identifying veterans
22 who have limited proficiency in English and of informing
23 those veterans of the provisions of subsection (a).”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 1712B
2 the following new item:

“1713. Mental health services; languages other than English”.

3 (b) FAMILY MEMBERS.—Section 1782 of such title
4 is amended by adding at the end the following new sub-
5 sections:

6 “(e) ADDITIONAL COUNSELING.—In addition to serv-
7 ices authorized by subsections (a) and (b), the Secretary
8 shall, in connection with the service of a veteran in the
9 active military, naval, or air service, provide to an indi-
10 vidual described in subsection (c) such counseling and
11 mental health services as are requested by the individual,
12 except to the extent that the Secretary determines that
13 such counseling and mental health services are not needed.

14 “(f) BILINGUAL COUNSELING.—(1) In providing
15 counseling and mental health services under this section
16 and bereavement counseling under section 1783 of this
17 title, the Secretary shall ensure, in the case of an indi-
18 vidual who has limited proficiency in English, that such
19 counseling and services are available to that individual in
20 both English and a language other than English in which
21 the individual is proficient, if requested by the individual.

22 “(2) For purposes of this subsection, the Secretary
23 shall develop procedures for identifying individuals who
24 have limited proficiency in English and of informing those
25 individuals of the provisions of paragraph (1).”.

1 (c) EFFECTIVE DATE.—Section 1713 of title 38,
2 United States Code, as added by subsection (a)(1), and
3 subsections (e) and (f) of section 1782 of such title, as
4 added by subsection (b), shall take effect at the end of
5 the 120-day period beginning on the date of the enactment
6 of this Act.

7 **SEC. 2. CODIFICATION FOR DEPARTMENT OF VETERANS**
8 **AFFAIRS OF REQUIREMENTS OF EXECUTIVE**
9 **ORDER 13166.**

10 (a) SYSTEM FOR ACCESS TO SERVICES.—The Sec-
11 retary of Veterans Affairs shall implement a system by
12 which persons with limited English proficiency can mean-
13 ingfully access the services provided by the Department
14 of Veterans Affairs consistent with, and without unduly
15 burdening, the fundamental mission of that Department.
16 The Secretary shall work to ensure that recipients of fi-
17 nancial assistance under programs of the Department pro-
18 vide meaningful access to applicants and beneficiaries with
19 limited English proficiency.

20 (b) PLAN.—The Secretary shall implement a plan to
21 improve access to programs and activities of the Depart-
22 ment of Veterans Affairs by eligible persons with limited
23 English proficiency. The plan shall be consistent with the
24 standards set forth in the guidance issued by the Attorney
25 General and shall include the steps the Secretary will take

1 to ensure that eligible persons with limited English pro-
2 ficiency can meaningfully access the programs and activi-
3 ties of the Department.

4 **SEC. 3. IMPLEMENTATION.**

5 In developing and implementing the plan under sec-
6 tion 2(b), the Secretary shall, at a minimum, carry out
7 the following:

8 (1) The Secretary shall conduct a thorough as-
9 sessment of the language needs of the population
10 served by the Department of Veterans Affairs, in-
11 cluding identifying the non-English languages that
12 are likely to be encountered.

13 (2) The Secretary shall develop and implement
14 a comprehensive language assistance program, which
15 shall include—

16 (A) hiring bilingual staff and interpreters
17 for patient and client contact positions; and

18 (B) translating written materials (such as
19 consent forms, notice of free language assist-
20 ance, and outreach materials) into languages
21 other than English.

22 (3) The Secretary shall train staff of the De-
23 partment on the access policy of the Department
24 with respect to persons with limited English pro-
25 ficiency and on carrying out that policy.

1 (4) The Secretary shall establish vigilant moni-
2 toring and oversight to ensure that persons with lim-
3 ited English proficiency have meaningful access to
4 health care and services.

5 (5) The Secretary shall establish a task force to
6 evaluate implementation and to prioritize needed ac-
7 tions to implement the access plan for persons with
8 limited English proficiency.

9 (6) The Secretary shall develop a specific plan
10 to ensure seamless transition of veterans and their
11 families from benefits and services provided by the
12 Department of Defense to benefits and services pro-
13 vided by the Department of Veterans Affairs, includ-
14 ing bilingual readjustment and bereavement coun-
15 seling.

16 (7) The Secretary shall establish a process to
17 translate vital documents and other materials, in-
18 cluding materials on the World Wide Web, brochures
19 distributed as part of outreach efforts to
20 servicemembers transitioning into civilian life, and
21 the post-deployment health reassessment program.

22 (8) The Secretary shall conduct outreach to vet-
23 erans and their families in communities which may
24 have higher proportions of populations with limited
25 English proficiency to ensure they are aware of eligi-

1 bility for benefits and services from the Department
2 of Veterans Affairs.

3 **SEC. 4. REPORT ON IMPLEMENTATION BY VETERANS**
4 **HEALTH ADMINISTRATION OF DIRECTIVE ON**
5 **IMPROVING ACCESS TO SERVICES FOR PER-**
6 **SONS WITH LIMITED ENGLISH PROFICIENCY.**

7 (a) REPORT REQUIRED.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of Veterans Affairs shall submit to the Committees on
10 Veterans' Affairs of the Senate and House of Representa-
11 tives a report on the implementation by the Veterans
12 Health Administration of the Department of Veterans Af-
13 fairs of the directive of the Veterans Health Administra-
14 tion designated "VHA Directive 2002–006" that was
15 issued by the Under Secretary for Health of the Depart-
16 ment of Veterans Affairs on January 31, 2002, and that
17 issued policy to implement prohibitions on discrimination
18 on the basis of national origin for persons with limited
19 English proficiency in Federally-conducted programs and
20 activities and in Federal financial assisted programs.

21 (b) CAPACITY TO PROVIDE SERVICES TO LEP
22 SERVICEMEMBERS.—The Secretary shall include in the re-
23 port an analysis of the capacity of the Department of Vet-

- 1 erans Affairs to provide services to members of the Armed
- 2 Forces with limited English proficiency.

